

## **REMARKS**

### **I. Claim Objections**

In the Office Action, the Examiner objected to Claims 5, 16 and 19 because the claimed limitation “vehicle fluid” should be “said vehicle fluid.” Applicant notes the cancellation of Claims 5 and 19 without prejudice or disclaimer. Appropriate correction has been made to Claim 16.

### **II. Rejections Under 35 U.S.C. § 112**

In the Office Action, the Examiner rejected Claims 21-23 under 35 U.S.C. 112, second paragraph based on a claim term in Claim 21 lacking antecedent basis. Applicant notes the cancellation of Claims 21-23 without prejudice or disclaimer.

### **III. Rejections Under 35 U.S.C. § 103**

#### **a. Claims 1, 4-5, 8, 11-12, 16, 18-19**

In the Office Action, the Examiner rejected Claims 1, 4-5, 8, 11-12, 16, 18-19 under 35 U.S.C. 103(a) as being unpatentable over Fitter in view of Clark. Applicant notes the cancellation, without prejudice of Claims 4-5, 8 and 18-19 without prejudice or disclaimer. With respect to the remaining claims that are the subject of this rejection, Applicant respectfully submits that they patentably distinguish over the combination of Fitter and Clark.

Applicant notes the amendment of independent Claims 1 and 16 to recite that the container contains brake fluid, and further the feature of a valve to regulate the discharge of the brake fluid from the container. This combination permits the delivery of brake

fluid, which is highly hygroscopic, from a fluid container into a brake fluid compartment with little or no contact with the ambient air, thereby limiting absorption of moisture into the fluid and a decrease in performance. Support for this amendment may be found in the specification.

The Fitter and Clark references, either alone or in combination, do not disclose the claimed combination. More specifically, neither discloses a bladder containing brake fluid, or the method of delivering brake fluid from a bladder to a receptacle in a manner – as described in the Claim 16 – that has the effect of limiting water absorption. More specifically, as acknowledged by the Examiner, the Fitter reference does not disclose the dispensing of vehicle fluid at all. With respect to the Clark reference, Applicant respectfully submits that the “container 14” is not a bladder and, moreover, that its sides will not contract against each as fluid exits. Indeed, Clark specifically recites the feature of an “aerator inlet tube” to permit air to enter the container as fluid exits (Col. 4, lines 9-13) – which thus teaches away from the apparatus and method of the present invention, which permits the dispensing of brake fluid in a manner that is intended to protect it from contact with the air.

Accordingly, Applicant respectfully submits that the present invention, as claimed in Claims 1, 11-12 and 16, is not obvious in light of the cited combination.

**b. Claims 13-15, 20**

In the Office Action, the Examiner rejected Claims 13-15 and 20 under 35 U.S.C. 103(a) as being unpatentable over Fitter in view of Clark as applied to Claim 1 and further in view of Gatzke. As discussed above, Applicant notes the amendment of

independent Claims 1, upon which Claims 13-15 depend, and Claim 16, upon which Claim 20 depends. For the same reasons that Applicant asserts the patentability of Claims 1 and 16 over Fitter and Clark, Applicant respectfully asserts the patentability of Claims 13-15 and 20 over the cited combination.

In addition, Applicant separately asserts the patentability of amended Claim 20, which recites the attachment of the bladder to the hood of a car. This step is not shown in any of the cited references, and further distinguishes Claim 20 over the combination of Fitter, Clark and Gatzke.

c. Claim 21

In the Office Action, the Examiner rejected Claim 21 over Huffer in view of Clark. In order to expedite prosecution, Applicant notes the cancelation of Claim 21 without prejudice or disclaimer.

d. Claims 22-23

In the Office Action, the Examiner rejected Claims 22-23 over Huffer in view of Clark and further in view of Pederson. In order to expedite prosecution, Applicant notes the cancelation of Claims 22-23 without prejudice or disclaimer.

In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Specification and claims and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered in the Office Action. Applicants therefore earnestly solicit the issuance of a Notice of Allowance with respect to Claims 1, 11-16, and 20.

If there are any additional fees incurred by this Amendment, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

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